

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE: SKI TRAIN FIRE IN KAPRUN :  
AUSTRIA ON NOVEMBER 11, 2000 :  
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This document relates to the following actions:

-----X  
JOHANN BLAIMAUER, et al., :

Plaintiffs, :

- against - :

OMNIGLOW CORPORATION, et al., :

Defendants. :

-----X

-----X

HERMAN GEIER, et al., :

Plaintiffs, :

- against - :

OMNIGLOW CORPORATION, et al., :

Defendants. :

-----X

-----X

NANAE MITSUMOTO, et al., :

Plaintiffs, :

- against - :

THE REPUBLIC OF AUSTRIA, et al., :

Defendants. :

-----X

MDL # 1428 (SAS)

ORDER

03-CV-8960 (SAS)

03-CV-8961 (SAS)

06-CV-2811 (SAS)

-----X		
NANAE MITSUMOTO, et al.,	:	
	:	
Plaintiffs,	:	
	:	
- against -	:	07-CV-935 (SAS)
	:	
ROBERT BOSCH	:	
CORPORATION, et al.,	:	
	:	
Defendants.	:	
-----X		
-----X		
JOOP H. STADMAN, et al.,	:	
	:	
Plaintiffs,	:	
	:	
- against -	:	07-CV-3881 (SAS)
	:	
AUSTRIAN NATIONAL TOURIST	:	
OFFICE INC., et al.,	:	
	:	
Defendants.	:	
-----X		
-----X		
RASTKO and DRAGICA FERK, et al.,	:	
	:	
Plaintiffs,	:	
	:	
- against -	:	07-CV-4104 (SAS)
	:	
OMNIGLOW CORPORATION, et al.,	:	
	:	
Defendants.	:	
-----X		
SHIRA A. SCHEINDLIN, U.S.D.J.:		

By Opinion and Order dated June 19, 2007 (the “June 19 Order”), this Court dismissed five of the six above-captioned actions on the ground of forum

non conveniens. The Clerk of the Court entered judgment on July 9, 2007 dismissing and closing those cases, which bear civil action numbers 03 Civ. 8960, 03 Civ. 8961, 06 Civ. 2811, 07 Civ. 0935, and 07 Civ.3881.<sup>1</sup> On July 31, 2007, plaintiffs in these actions moved for reconsideration and other relief pursuant to Local Rule 6.3 and Fed. R. Civ. P. 60(b).

By Opinion and Order dated August 16, 2007 (the “August 16 Order”), this Court disqualified Edward D. Fagan from further participation on behalf of plaintiffs in all of the above-captioned cases. Because plaintiffs did not retain counsel within thirty days or notify the Court of their intention to proceed pro se within sixty days of the August 16 Order, the pending motions for reconsideration were deemed moot and withdrawn.<sup>2</sup> Although the August 16 Order directed the Clerk of the Court, once again, to enter judgment dismissing the actions should plaintiffs fail to comply, no subsequent judgment was entered. The Clerk of the Court is hereby directed to enter a final judgment dismissing these actions pursuant to the August 16 Order.

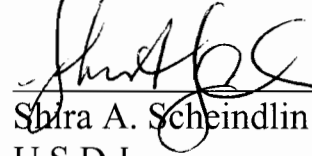
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<sup>1</sup> The case captioned *Ferk, et al. v. Omniglow Corp., et al.* (“*Ferk*”), bearing civil docket number 07 Civ. 4104, was accepted by this Court as related to 03 Civ. 8960 on June 11, 2007 but was not dismissed by the June 19 Order. However, Fagan was disqualified from serving as counsel in *Ferk* (in addition to the cases dismissed by the June 16 Order) pursuant to the August 16 Order. For the reasons set forth in the June 19 Order, the Clerk of the Court is directed to enter judgment and close the *Ferk* action.

<sup>2</sup> See 10/18/07 Order.

By letter dated June 5, 2008, disqualified counsel Edward D. Fagan requested that the Court enter the August 16 Order as a final judgment pursuant to Fed. R. Civ. P. 54(b). That request is denied. However, Mr. Fagan may bring to the attention of the Court of Appeals that a final judgment has now been entered in all of the above-captioned cases.

SO ORDERED:



Shira A. Scheindlin  
U.S.D.J.

Dated: New York, New York  
June 10, 2008

**- Appearances -**

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